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Serial No. 10/046,726

Attorney Docket No. 53394.000607
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Douglas R. FREDERISY)
Serial No.: 10/046,726)
Filed: January 17, 2002)
Examiner: Ghassem ALIE
Group Art No.: 3724

For: APPARATUS AND METHOD FOR ASSEMBLING GARMENTS

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT
AND TRAVERSE THEREOF

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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Election

An Office action was issued in the above-referenced application on May 30, 2003 ("Office action"). The Office action included a requirement for election between the following allegedly patentably distinct species:

I.	Figs. 1 and 2	VII.	Fig. 8
II.	Figs. 1 and 3	VIII.	Fig. 9
III.	Figs. 1 and 4	IX.	Fig. 10
IV.	Fig. 5	X.	Fig. 11
V.	Fig. 6	XI.	Fig. 12
VI.	Fig. 7	XII.	Fig. 13

The Office Action further alleges that no claim is generic. Applicant hereby elects, with traverse, Species VI (Fig. 7) and claims 22, 24, 25, 26 and 29 reading thereon.

Traverse

Applicants hereby traverse the Election Requirement on the grounds that the application currently contains a number of generic claims linking the species identified by the Examiner, and thereby making restriction between these species improper. *See M.P.E.P. § 809.03.*

The application currently contains generic claims that each cover more than one of the species identified by the Examiner. Specifically, claim 1 is directed towards an air applicator, but does not specify whether the applicator is an internal air applicator (one having a closed passage for the items being conveyed) or an external air applicator (one having an open passage for the items being conveyed) — as such, claim 1 covers the species of Figures 1-4 (internal air applicators) and 6-9 (external air applicators), and does not include limitations not present in each of these species. *See M.P.E.P. § 806.04(d).* Similarly, claim 13 is directed towards an internal air applicator, and is generic to the species of Figures 1-4, and claim 22 is directed towards an external air applicator, and is generic to the species of Figures 6-9. Furthermore, claim 36 is directed to a method for placing a series of parts onto a substrate, and the claim is of such a scope that it encompasses the use of the embodiments shown in Figs. 1-9 and 12-13.

CONCLUSION

Applicants respectfully submit that the election Requirement in the Office Action is not proper, and therefore elects the above-identified species and claims with traverse.

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If the Examiner believes that there are issues that remain to be resolved, the Examiner is encouraged to telephone the undersigned Applicants representative to discuss and expeditiously work towards a resolution of those issues.

Respectfully submitted,
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Dated: June 30, 2003

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